

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
December 10-14, 2001

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
12-12	OPP (R)	99,915	Haverly Systems, Inc. v. Omni Flow Computers, Inc.	Cissel* Rogers Drost	2(d)	Request for Reconsideration Denied [Opposition Dismissed]	"OMNI" [computer software]	"OMNI" [flow measurement and control computers featuring integrally attached keypads for the measurement and control of liquid hydrocarbon and gas flows; printed matter, namely, user manuals for measurement and control computers and controllers for use in the measurement and control of hydrocarbon liquid and gas flows]			No
12-12	OPP	114,061	The Toro Company v. ToroHead, Inc.	Sams Seeherman Quinn Drost*	2(d); dilution [Secs. 13 and 43(c)]	Opposition Dismissed	a number of marks incorporating the word "TORO" [for a variety of goods and services, including grass cutting machinery and irrigation systems]	"ToroMR" (and bull's head design) [very low reluctance, thin film magnetic reading and writing heads for sale to OEM manufacturers of high performance computer disk drives]			Yes
12-12	EX	75/572,042	Original Hot Rod Grill, L.L.C.	Simms Cissel* Rogers	2(d)	Refusal Affirmed (as to both cited registrations)		"ORIGINAL HOT ROD GRILL" [restaurant services]	"HOT ROD CAFE" [restaurant services]; "HOT RODS CAFE" (and design) [providing restaurant services; bar services; banquet and social function facilities for special occasions; and hotel reservations for others]	R. Lorenzo	No

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(2) *=Opinion Writer; (D)=Dissenting Panel Member

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12-12	EX	75/364,899	Sharon Bossert	Seeherman Hanak* Rogers	2(d)	Refusal Affirmed as to personalized bracelets; Refusal reversed as to rosaries		“CHERISHED BEADS” [personalized bracelets (Class 14); rosaries (Class 16)]	“CHERISHED” [ladies’ diamond finger rings]	Leipzig	No
12-12	EX	75/789,092	Institute for Transformation, LLC	Simms Hanak* Chapman	2(e)(1)	Refusal Affirmed		“SELF-AWARENESS SURVEY” [computer software for behavioral assessment and prerecorded CD-ROM disks and prerecorded video tapes in the field of behavioral assessment; tutorials, namely, workbooks and books in the field of behavioral assessment; educational services, namely, providing seminars, workshops, conferences, and instructional meetings related to behavioral assessment; in -training consultation services in the field of behavioral assessment; computer on-line global service, namely, providing a web site featuring instruction in the field of behavioral assessment]		Saunders	No

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12-14	EX	75/734,838	Network Resources, Inc.	Hanak* Quinn Hohein	2(d)	Refusal Affirmed as to both cited registrations		"NRI NETWORK RESOURCES, INC. (and design) [employment placement service, namely, placing temporary and permanent technical support employees in government agencies and large corporations to assist with computer hardware, computer software and computer network projects]	"NRI" [employment agency services]; "NRI STAFFING RESOURCES" (and design) [temporary employment agency services; personnel placement and recruitment services]	Gillis	No
12-14	EX	75/496,494	Avant Immuno-therapeutics, Inc.	Hairston* Walters Wendel	2(d)	Refusal Reversed		"AVANT IMMUNO-THERAPEUTICS" [pharmaceuticals for therapeutic and diagnostic use in the treatment of cardiovascular disease, immune disorders, and inflammation; and vaccines and purified proteins for therapeutic and medical diagnostic use]	"AVANTI" [biochemical for laboratory use, namely, phospholipids; and biochemical for pharmaceutical use, namely, phospholipids for use as an additive or concipient in pharmaceuticals]	Bell	No
12-14	OPP	114,298	Morton International, Inc. v. Asahi Denka Kogyo Kabushiki Kaisha	Simms* Cissel Seeherman	2(d); res judicata (collateral estoppel / issue preclusion)	Opposition Sustained (on basis of collateral estoppel)	"ADVASTAB" [stabilizers for vinyl resins]	"ADKSTAB" [anti-oxidants, absorbing agents, stabilizers, nucleating agents, metal deactivators and lubricants used in connection with making plastics]			No

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12-14	EX	75/681,947	Laboratoire Rene Guinot	Simms Hanak* Quinn	2(d)	Refusal Affirmed		"SKIN PEACE" [a full line of skin care, body care, hair care, nail care, color cosmetics and shaving care preparations]	"PEACE" [potpourri, perfume bath oil, body oil, non-medicated bath salts, sachets, scented skin soaps, and scented toilet soaps]	Milton	No
12-14	EX	75/567,010	Agdata, Inc.	Cissel (D) Hohein* Chapman	2(d)	Refusal Reversed		"MEDDDATA" [providing an on-line database in the field of managed health care insurance coverage, namely, providing on-line referrals and data management services for use by office administrative staff for submitting referrals on-line to specialists and insurance providers in compliance with the referral and authorization rules and regulations of the insurance companies' managed care plans; providing an on-line database in the field of managed health care insurance coverage, namely, providing insurance plan information including on-line eligibility verification for insurance plans, deriving historical reports, obtaining feedback on patients' care, and Medicare and Medicaid referral tracking]	"MEDDDATA" [<i>among other services:</i> providing personal and medical information to medical professionals in emergency situations]	L. Fisher	No

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